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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,442	09/21/1999	JEAN-CLAUDE SARFATI	2182.0380001	3447

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EXAMINER

HA, LEYNNA A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/400,442

Applicant(s)

SARFATI ET AL.

Examiner

LEYNNA T. HA

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 22-25, 27, 28, 47-50, 52, 53 and 57.

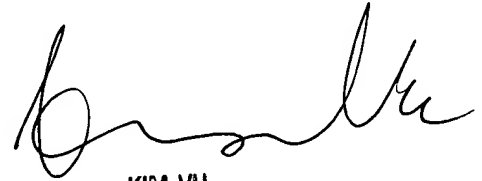
Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Claims 22-25, 27-28, 47-50, 52-53, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohatgi, Et Al. (US 5,625,693) and further in view of Tremblay, Et Al. (US 6,014,723).

Rohatgi includes a Module Transmission Unit Byte Offset to indicate the byte location in the module with the signature and other data of a payload (col.4, lines 44-48). An offset (i.e. a relative address) locates a particular item such as the signature and/or other types of data in a payload. The encryption of the signature is discussed on col.5, lines 33-67, thus the signature encryption follows the offset process. Further, assuming arguendo that Rohatgi fails to teach encryption after using the offset, the Applicant does not claim the limitation of "using the offset before encryption which makes the signature more difficult to find". The Examiner is only required to reject what is claimed and to the broadest interpretation.

Applicant stated (on pg.6, 2nd paragraph), that the Examiner acknowledged "Rohatgi does not teach looking up the offset in a protected memory after decryption to extract the signature" and further Applicant indicated that Tremblay fails to teach the limitation mentioned in the 3rd paragraph of page 6.. The Examiner did not acknowledge "after decryption to extract the signature" in the Final office action. The Examiner indicated that "Rohatgi does not provide looking up the offset stored in the memory area of the receiver/decoder", thus this limitation is further in view of Tremblay wherein the Rohatgi and Tremblay combination teaches this limitation. The Applicant also argued that "Tremblay fails to teach a method of downloading data to a MPEG receiver/decoder, such that the signature...start of the signature". However, it was pointed out that Rohatgi taught this limitation and that Tremblay is only relied upon the one limitation as discussed.



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